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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,983	09/23/2005	Damon H. Langlois	54700/DBP/F50	6378

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EXAMINER

MANSKAR, KRISTEN

ART UNIT PAPER NUMBER

2891

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/528,983	Applicant(s) LANGLOIS ET AL.	
	Examiner Kristen A. Manskar	Art Unit 2891	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/22/05</u> <u>4/20/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 4/22/05 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

2. Claim 10 is objected to because of the following informalities: improper punctuation. Applicant is requested to remove the additional period following the number 10. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 5-6, 19-20, 22-23, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Robbins (Patent 5,107,637).

5. In claim 1, Robbins teaches the same bus stop illuminating device (see Abstract) comprising: a power storage device (Column 3, Lines 13-20); a solar panel to charge the power storage device (Figure 1; Column 2, Lines 58-60); at least one light source connected to the power storage device to provide illumination to the bus stop; and at least one switch to control illumination of the at least one light source (Column 3, Lines 40-44; Column 5, Lines 35-37).

6. Regarding claim 5, Robbins teaches a bus stop illuminating device including a display region for displaying information (Column 4, Lines 5-15).

7. In regard to claim 6, Robbins teaches a bus stop illuminating device in which the display region includes a light source to illuminate the display region and a third switch to control illumination of the display region (Figure 5; Column 3, Lines 29-34; Column 5, Lines 35-37). Robbins teaches a plurality of lighting devices used to illuminate the display area (Figure 2).

8. Robbins teaches the bus stop illuminating device of claim 19 (see Abstract) comprising: a support structure (Column 2, Lines 17-19); a lighting assembly mounted to the support structure and housing a power storage device (photovoltaic generator); a solar panel to charge the power storage device (Figure 1, Column 2, Lines 58-60; Column 3, Lines 13-20); at least one light source connected to the power storage device to provide illumination to the bus stop (Figure 6); and at least one switch mounted to the support structure to control illumination of the at least one light source (Column 5, Lines 35-37).

9. Robbins also teaches the device of claim 20 in which the support structure is a post (Column 3, Lines 3-4; Figure 1, Character 26).

10. In reference to claim 22, Robbins teaches an illumination device including a display region for displaying information mounted to the support structure (Column 4, Lines 5-15).

11. In regard to claim 23, Robbins teaches an illumination device in which in which the display region includes a light source to illuminate the display region and a third

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switch to control illumination of the display region mounted to the support structure (Column 3, Lines 29-34; Column 5, Lines 35-37). Robbins teaches a plurality of lighting devices used to illuminate the display area (Figure 2).

12. Robbins additionally teaches the self-contained solar powered assembly of claim 25 that is able to provide power under user control to a bus stop for the purpose of illumination of the bus stop (Figure 1; Column 1, Lines 5-12).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15. Claims 2-4, 9, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robbins as applied to claim 1 above, and further in view of Westcott (Patent 6,621,177).

16. The cited primary reference Robbins teaches the basic claimed bus stop illuminating device (see Abstract) comprising: a power storage device (Column 3, Lines

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13-20); a solar panel to charge the power storage device (Figure 1; Column 2, Lines 58-60); at least one light source connected to the power storage device to provide illumination to the bus stop; and at least one switch to control illumination of the at least one light source (Column 3, Lines 40-44; Column 5, Lines 35-37). The cited primary reference also teaches a bus schedule assembly for displaying informational material (Column, Lines 5-15) and a light source to illuminate the informational material assembly (Column 3, Lines 19-32).

17. The cited primary reference Robbins does not teach a light source as being a LED and a second light source to signal a bus to stop and a second switch to control illumination of the second light source.

18. In reference to claims 2,4, 12, and 14, the cited secondary reference Westcott teaches at least one light source as being a LED (Column 5, Lines 35-36) as LEDs require minimal electricity to illuminate and have an extended life span from other illuminating sources (Column 5, Lines 41-46).

19. In reference to claim 3, the cited secondary reference Westcott teaches a second light source to signal a bus to stop and a second switch to control illumination of the second light source (Figure 1; Column 2, Lines 1-10) for the benefit of aiding the driver in expediting his/her route as this signal will alert the driver if he/she is to stop or can pass by therefore expediting the route (Column 1, Lines 18-26; Column 5, Lines 12-17).

20. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the signaling device and LED design of Westcott in the bus stop lighting assembly of Robbins as using LEDs in a solar powered assembly will

require minimal electricity to illuminate and having a signal attached to the lighting assembly will allow for an expedited route for the bus driver and will ensure that a potential passenger is not left behind (Westcott; Column 1, Lines 18-26; Column 5, Lines 12-17, 35-46).

21. Claims 7, 8, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robbins as applied to claims 1 and 19 above, and further in view of Guest (PG Pub 2004/0004827).

22. The cited primary reference Robbins teaches the basic claimed solar powered illumination device including a protective front layer (Column 3, Lines 53-57) and a translucent layer (Column 3, Lines 63-65).

23. The cited primary reference Robbins does not teach a display region as comprising a reflective back layer and a light diffusing intermediate layer adapted to be edge lit by the light source (LED).

24. In reference to claims 7 and 24, the cited secondary reference Guest teaches a display region comprising a reflective back layer and a light diffusing intermediate layer adapted to be edge lit by the light source (Figure 5; ¶3, ¶65, Lines 1-3) for the benefit of providing low lighting to operate for extended periods of time (¶7).

25. In reference to claim 8, the cited secondary reference Guest teaches a light source that is a Light Emitting Diode for the benefit of extending the lifespan of the illuminating display (¶11).

26. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the reflective back layer and the light diffusing layer of

Guest in the display device of Robbins as using this design will enable the use of a lighting device which relies on low levels of electrical power to operate the illumination device for extended periods of time (Guest; ¶7).

27. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robbins, further in view of Westcott as applied to claim 9 above, and further in view of the tertiary reference Doan (Patent 4,200,904).

28. The previous combination does not teach a lighting device for use at a bus stop comprising: a solar panel; a power storage device chargeable by the solar panel; a first light source for illuminating an area adjacent the bus stop; a second light source to signal a bus to stop; a bus schedule assembly for displaying bus schedule information; a third light source to illuminate the bus schedule assembly; and a switch assembly electrically connected between the power storage device and the light sources to allow operation of at least one of the light sources on actuation of the switch assembly.

29. In reference to claim 10, the tertiary reference, Doan teaches a lighting device for use at a bus stop comprising: a solar panel; a power storage device chargeable by the solar panel; a first light source for illuminating an area adjacent the bus stop; a second light source to signal a bus to stop; a bus schedule assembly for displaying bus schedule information; a third light source to illuminate the bus schedule assembly; and a switch assembly electrically connected between the power storage device and the light sources to allow operation of at least one of the light sources on actuation of the switch assembly (Column 2, Lines 7-18, 35-30; Figure 1) for the benefit of providing a

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solar powered lighting assembly completely independent of an external power supply (Column 1, Lines 30-32, 39-47).

30. In reference to claim 11, the tertiary reference, Doan teaches a bus schedule assembly and a switch assembly that are mounted in a housing mountable to the post (Column 1, Lines 57-65) for the benefit of providing a solar powered lighting assembly completely independent of an external power supply (Column 1, Lines 30-32, 39-47).

31. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the head assembly design of Doan in the previous art combination as this combination will allow for a solar powered lighting assembly completely independent of an external power supply (Doan; Column 1, Lines 30-32, 39-47).

32. Claims 13 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robbins, further in view of Westcott as applied to claim 9 above, and further in view of the tertiary reference Guest.

33. The previous combination does not teach an illuminating display device in which the light source functions to illuminate the bus schedule assembly by edge lighting.

34. In reference to claim 13, the tertiary reference, Guest teaches LEDs that are used to illuminate an informational sign by edge lighting for the benefit of using low levels of light to illuminate a sign for an extended period of time (Figure 1; ¶11; ¶7).

35. In reference to claim 15, the tertiary reference Guest teaches a display region comprising a reflective back layer and a light diffusing intermediate layer adapted to be

edge lit by the light source (Figure 5; ¶3, ¶65, Lines 1-3) for the benefit of providing low lighting to operate for extended periods of time (¶7).

36. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the edge lighting design of Guest in the previous art combination as the combination will allow for using low levels of light to be used to illuminate a sign for an extended period of time (Guest; Figure 1; ¶11; ¶7).

37. In reference to claim 15, the primary reference teaches a display assembly comprising a translucent front layer and a protective front layer (Column 3, Lines 53-57, 63-65).

38. In reference to claim 16, the primary reference teaches the light-diffusing layer as being formed from acrylic (Column 3, Line 63- Column 4, Line 2).

39. In reference to claim 17, the primary reference teaches the protective front layer as being formed of polycarbonate (Column 3, Line 63- Column 4, Line 2).

40. In reference to claim 18, the secondary reference teaches a switch assembly comprising a plurality of touch sensitive capacitive buttons to activate the light sources (Figure 1, Character 80). While the cited secondary reference does not explicitly teach a plurality of touch sensitive button to activate the light sources, would be an obvious alternative to the one switch the secondary reference claims.

Conclusion

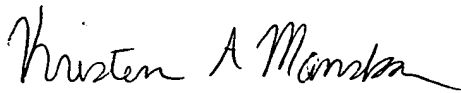
41. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Doan (Patent 4,200,904); O'Brien (Patent 6,154,994); Liao (PG Pub 2001/0055206); Wismeth (Patent 6,729,742).

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42. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristen A. Manskar whose telephone number is (571) 270-1220. The examiner can normally be reached on Monday-Friday 7:30a.m.-5p.m..

43. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Ortiz can be reached on (571) 272-1206. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

44. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kristen A. Manskar



ANGELA ORTIZ
SUPERVISORY PATENT EXAMINER

12/8/06